

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00210-MR  
CRIMINAL CASE NO. 1:04-cr-00040-MR-DLH-1**

STEPHEN ARTHUR LACY,                          )  
  )  
  )  
Petitioner,                                      )  
  )  
vs.    )   O R D E R  
  )  
UNITED STATES OF AMERICA,                     )  
  )  
Respondent.                                      )  
  )

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**THIS MATTER** is before the Court on Petitioner's *pro se* Motion to Lift Stay [Doc. 8] and Petitioner's *pro se* Motion for Leave to Submit Pro Se Motion for Emergency Hearing [Doc. 9].

As Petitioner correctly notes in his motion to stay, this action was stayed pending resolution of the Fourth Circuit Court of Appeals cases of United States v. Ali, No. 15-4433 (4th Cir.), and United States v. Simms, No. 15-4640 (4th Cir.), and pending the Supreme Court's decision in Beckles v. United States, 137 S. Ct. 886 (2017). Petitioner seeks a lift of the stay because Beckles has now issued. Because resolution of Ali and Simms is

still pending, however, the stay is still in effect. Accordingly, the Court will deny Petitioner's motion to lift the stay.

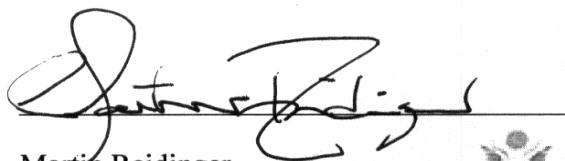
As to Petitioner's motion for an emergency hearing, this motion is denied as well. Petitioner has not shown that he is entitled to such hearing at this time. Petitioner argues that if he is granted relief on his pending motion to vacate he will be entitled to immediate release. Whether Petitioner is entitled to relief, however, depends on resolution of cases that are still pending in the Fourth Circuit Court of Appeals. This Court has no control over the timing of the resolution of those cases. For these reasons, Petitioner's motion for an emergency hearing is denied.

The Court further advises Petitioner that because he is currently represented by counsel, he has waived the right to present his own motions and documents in this action. See Hutchinson v. Florida, 677 F.3d 1097, 1107 (11th Cir. 2012) ("A prisoner does not have a right to file pro se pleadings while represented by counsel."); Myers v. Johnson, 76 F.3d 1330, 1335 (5th Cir. 1996) (same). Therefore, any further *pro se* motions by Petitioner in this action while he is represented by counsel will be stricken by the Court.

**IT IS, THEREFORE, ORDERED** that Petitioner's *pro se* Motion to Lift Stay [Doc. 8] and Petitioner's Motion for Leave to Submit Pro Se Motion for Emergency Hearing [Doc. 9] are **DENIED**.

**IT IS SO ORDERED.**

Signed: September 25, 2018



Martin Reidinger  
United States District Judge

